

**METROPOLITAN HEALTH DEPARTMENT
DIVISION OF POLLUTION CONTROL**

**REGULATION NO. 1
Prevention, Abatement and Control of
Air Contaminants From Open Burning**

**As provided for in Section 10.56.250, "Open
Burning" of Chapter 10.56, "Air Pollution
Control" of the Code of Laws of the
Metropolitan Government of Nashville and
Davidson County, Tennessee.**

**Adopted September 15, 1971
By the Metropolitan Board of Health
of Nashville and Davidson County, Tennessee**

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PURPOSE

This Regulation is adopted for the purpose of preventing, abating, and controlling air pollution caused by air contaminants discharged into the air from open burning.

SECTION 1-1: Definitions

As used in this Regulation, all terms not defined herein shall have the meaning given them in Chapter 10.56, "Air Pollution Control," Section 10.56.010, "Definitions" of the Metropolitan Code of Laws.

- (a) **"Air Curtain Destructor"** - means a device employing an air blower with a pit incinerator approved by the Director of Health.
- (b) **"Approved"** - means approved in writing by the Director of Health.
- (c) **"Director"** - means the chief administrative officer of the Metropolitan Board of Health or his designated representative.
- (d) **"Open Burning"** - means any fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

SECTION 1-2: Open Burning Prohibited

No person shall cause, suffer, allow or permit open burning except as specifically permitted by this Regulation.

SECTION 1-3: Exceptions to Prohibition

Open burning as listed below may be conducted, subject to the specified limitations and provided further that no public nuisance is or will be created by such open burning. This grant of exemption shall in no way relieve the person responsible for such burning from the consequences of or the damages or injuries resulting from such burning.

- (a) Domestic burning of leaves and small tree limbs, less than three inches in diameter, at a residence where collection for such material is not available. The determination of availability will be made by the Director. Burning of trees or limbs cut as a commercial service by tree surgeons or other persons is prohibited.
- (b) Ceremonial or recreational fires of reasonable size and duration. Such fires may not contain materials such as rubber, plastics or similar fuse.
- (c) Fires set for the training and instruction of public or private fire-fighting personnel when approval is received from the Director.

- (d) Smokeless emergency or safety flares.
- (e) Fires used for disposing of materials grown on that tract of land, provided the following conditions are met:
 - (1) Burning is done using an air curtain destructor or other approved device, at suitable sites as approved by the Director, when such devices are operated in a manner satisfactory to the Director, and with a valid permit obtained from the Director.
 - (2) The burning will take place on days and hours designated by the Director. Designated days of burning will always be tentative, and will be regulated according to weather conditions.
 - (3) Within the jurisdiction of the Fire Marshall for the Metropolitan Government of Nashville and Davidson County, permission must be obtained indicating that no safety hazard will be created by this burning.
- (f) Failure to comply with these conditions will result in revocation of the permit.

Nothing in this Regulation is intended to permit any practice which is a violation of any statute, ordinance, or regulation.